

ASSOCIATED STUDENTS OF UCI

Judicial Board

Preliminary Injunction on R56-34

BY ORDER OF THE ASUCI JUDICIAL BOARD

Dated: October 27th, 2020

ORDER:

On October 27th, petition was filed against R56-34, alleging that the resolution, both in failing to notify joint committees and failing to receive thirty (30) positive votes, ran afoul in the due process protection outlined under the Bylaws:

§7.3.4. *Changes to the Annual Budget.* The Annual Budget may not be amended, and may only be rescinded by a positive vote of thirty (30) properly seated Senators. Prior to any motion to rescind, Senators must request a positive recommendation from all Joint Committees.

First, as Chief Justice, I find the petition reasonable. Indeed, in *Wang v. Robb Et al.* (2020), we have already held that the Senate, having failed to notify Joint Committees and receive the necessary vote, violated statutory requirements. Likewise, the Court has already overturned R56-22, which held a similar operative clause: to amend the annual budget: “The act of R56-22 is clear; that is, the Senate proposed and passed a piece of legislation amending the ASUCI Annual Budget... In our case today, it is undisputed that the Senate did neither. As such, the Senate’s act runs afoul with the statutory requirements listed in §7.3.4. For this reason, we overturn R56-22.” *Wang*, at 8 – 9.

Second, similar to the injunction in *Wang*, I find the reallocation of funds, which may be spent and therefore immune from judicial remedy, a tangible harm: “we found there be a tangible harm, as if implemented, the funds could potentially be expended, marking the damages as irreversible, and therefore irreparable by judicial remedy: ‘The Motions to rescind and to Amend Something Previously Adopted are not in order under the following circumstances... when something has been done, as a result of the vote on the main motion, that is impossible to undo.’ RONR (12th ed.), 35:6.” *Wang*, at 8.

Therefore, for the aforementioned reasons and under my statutory power derived under the ASUCI Bylaws, I hereby order implementation of this legislation immediately halted, pending a full hearing. *See*: “The Chief Justice, on petition, may issue injunctions, as indicated in the Judicial Board policies.” ASUCI Bylaws §11.2.

BY ORDER OF THE CHIEF JUSTICE,

Kimo Gandall
Chief Justice